IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 12713 of 2007(L)

PETITIONER:

D.F.DIVYA (MISS),
CHRIST VIHAR, CHEENIVILA, KOOVALASSERY P.O.,
THIRUVANANTHAPURAM DISTRICT, PIN-695 512.

BY ADV. SRI.S.JAMES VINCENT

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, SECRETARIAT,THIRUVANANTHAPURAM-695001.

2. THE DEPUTY DIRECTOR OF EDUCATION,
KILLIPALAM, TRIVANDRUM.

3. THE DISTRICT EDUCATIONAL OFFICER,
THIRUVANANTHAPURAM.

4. THE MANAGER,
ST.FRANCIS U.P.SCHOOL, EZHACODE, PAVAKOTTUKONAM,
PERUKAVU P.O., NEYYATTINKARA TALUK.

BY ADV. SRI.G.S.REGHUNATH
SR.G.P. SHRI T.T.MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C)No.12713/07

PETITIONER'S EXHIBITS:

EXT.P1: A TRUE COPY OF THE DEATH CERTIFICATE OF THE PETITIONER'S FATHERDATED 1.10.1993.

EXT.P2: A TRUE COPY OF THE HEIRSHIP CERTIFICATE, NO.K.DIS.27934/93/A1 DATED 31.12.1993.

EXT.P3: A TRUE COPY OF THE 1ST PAGE OF THE PETITIONER'S SSLC.

EXT.P4: A TRUE COPY OF THE TRAINED TEACHER'S CERTIFICATE DATED 29.9.2006 ISSUED TO THE PETITIONER BY THE GOVERNMENT OF KERALA.

EXT.P5: A TRUE COPY OF THE CERTIFICATE DATED 1.12.2006 ISSUED TO THE PETITIONER BY THE VILLAGE OFFICER, MARANALLOOR.

EXT.P6: A TRUE COPY OF THE APPLICATION IN PROFORMA, SUBMITTED BY THE PETITIONER TO THE 4TH RESPONDENT ON 21.6.2005.

EXT.P7: A TRUE COPY OF LETTER NO.4/2005 DATED 30.6.2005 ISSUED BY THE 4TH RESPONDENT.

EXT.P8: A TRUE COPY OF APPLICATION IN PRO FORMA SUBMITTED BY PETITIONER ON 11.12.2006.

EXT.P9: A TRUE COPY OF LETTER NO.E1/06 DT.30.12.2006 ISSUED BY THE 4TH RESPONDENT.

EXT.P10: A TRUE COPY OF LETTER NO.F1/4178/07/DPI/L.DIS.DATED 2.2.2007 ISSUED BY THE DIRECTOR OF PUBLIC INSTRUCTION.

EXT.P11: A TRUE COPY OF LETTER NO.E1/07 DATED 19.3.2007 ISSUED BY THE 4TH RESPONDENT.

TRUE COPY

P.A.TO JUDGE

A.K. BASHEER, J.

W.P.(C). NO. 12713 OF 2007

Dated this the 24th day of May, 2007

J U D G M E N T

Learned counsel for the petitioner submits that she is prepared to approach the statutory authority, the District Educational Officer, Thiruvananthapuram, and prefer an appeal against the orders impugned in this writ petition. He further submits that the writ petition can be closed with the above liberty reserved in favour of the petitioner. In the peculiar facts and circumstances of the case, I am satisfied that the above plea can be accepted.

2. Therefore the writ petition is closed. It is made clear that it will be open to the petitioner to raise all her contentions before the statutory appellate authority. Respondent No.3 shall consider the appeal that may be preferred by the petitioner within 10 days from the date of receipt of a copy of this judgment. Respondent No.3 shall dispose of the appeal as expeditiously as possible, at any rate, within a

period of six weeks from the date of receipt thereof.

Needless to mention, respondent No.3 shall ensure that apart from the petitioner, the Manager of the school and any other person who is likely to be affected by the order are afforded sufficient opportunity to be heard before any decision is taken in the matter. Approval of appointment if any made to the post in question, shall be kept in abeyance for a period of two months from today. Petitioner shall produce a copy of this judgment along with a copy of the writ petition before respondent No.3 for compliance.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007